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PATENT APPLICATION

Attorney Docket No. 69570

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Bacus, et al.  
Appln No.: 09/740,711  
Filed: December 19, 2000  
For: METHOD AND APPARATUS FOR  
ANALYZING A MICROARRAY  
Group Art Unit: 2621

CERTIFICATE OF MAILING

I hereby certify that this paper is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner of Patents and Trademarks, Washington, D.C. 20231, on this date.

Date

5/1/01  
Registration No. 19,958  
Attorney for Applicant(s)

RESPONSE TO NOTICE TO FILE MISSING PARTS

Box MISSING PARTS  
Commissioner of Patents and Trademarks  
ATTENTION: Assistant Commissioner for Patents  
Washington, D.C. 20231

Sir:

In response to the Notice to File Missing Parts dated March 1, 2001, enclosed are:

- (X) A copy of the Notice to File Missing Parts.
- (X) An executed Declaration for Patent Application, including Power of Attorney.
- (X) Assignment(s) of the invention to Bacus Research Laboratories, Inc. and Recordation Form Cover Sheet - Patents Only - Form PTO-1595.
- (X) A check in the amount of \$40.00 to cover the fee for recording the assignment(s).
- (X) Fee Calculation:

Fee Calculation For Claims As Filed

( ) Provisional Application Basic Fee	\$ 150.00	\$ _____
• Surcharge under 37 C.F.R. §1.16(1)	\$ 50.00	\$ _____

or

(X) Non-Provisional Utility Application Basic Fee \$710.00 \$ 710.00

- Independent 4 - 3 = 1 x \$ 80.00 = \$ 80.00  
Claims
- Total Claims \_\_\_\_\_ - 20 = \_\_\_\_\_ x \$ 18.00 = \$ \_\_\_\_\_
- Fee for Multiply Dependent Claims x \$270.00 = \$ \_\_\_\_\_
- Surcharge under 37 C.F.R. §1.16(e) x \$130.00 = \$ 130.00

or

( ) Design Application Basic Fee \$320.00 \$ \_\_\_\_\_

- Surcharge under 37 C.F.R. §1.16(e) \$130.00 \$ \_\_\_\_\_

Total Filing and/or Surcharge Fee \$ 920.00

(X) Small Entity Fee (reduced by half) \$ 460.00

(X) Statement(s) of Status as Small Entity.

(X) A check in the amount of \$ 460.00 to cover the Filing and/or Surcharge Fee is enclosed.

( ) Charge \$ \_\_\_\_\_ to Deposit Account No. 06-1135.

(X) The Commissioner is hereby authorized to charge any additional fees which may be required in this application under 37 C.F.R. §§1.16-1.17 during its entire pendency, or credit any overpayment, to Deposit Account No. 06-1135. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 06-1135. This sheet is filed in triplicate.

5/1/01  
(Date)

James J. Hamill  
James J. Hamill  
Registration No. 19,958

FITCH, EVEN, TABIN & FLANNERY  
Suite 1600  
120 South LaSalle Street  
Chicago, Illinois 60603-3406  
Telephone: (312) 577-7000  
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## UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS  
UNITED STATES PATENT AND TRADEMARK OFFICE  
WASHINGTON, D.C. 20231  
www.uspto.gov

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
09/740,711	12/19/2000	James W. Bacus	69570

CONFIRMATION NO. 5019

## FORMALITIES LETTER



\*OC000000005814607\*

22242  
FITCH EVEN TABIN AND FLANNERY  
120 SOUTH LA SALLE STREET  
SUITE 1600  
CHICAGO, IL 606033406

Date Mailed: 03/01/2001

## NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

## Filing Date Granted

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given TWO MONTHS from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The statutory basic filing fee is missing.  
*Applicant must submit \$ 710 to complete the basic filing fee and/or file a small entity statement claiming such status (37 CFR 1.27).*
- Total additional claim fee(s) for this application is \$80.
  - \$80 for 1 independent claims over 3 .
- The oath or declaration is missing.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.
- The balance due by applicant is \$ 920.

The application is informal since it does not comply with the regulations for the reason(s) indicated below. Applicant is given TWO MONTHS from the date of this Notice within which to correct the informalities indicated below.

The required item(s) identified below must be timely submitted to avoid abandonment:

- Substitute drawings in compliance with 37 CFR 1.84 because:
  - drawing sheets do not have the appropriate margin(s) (see 37 CFR 1.84(g)). Each sheet must include a top margin of at least 2.5 cm. (1 inch), a left side margin of at least 2.5 cm. (1 inch), a right side margin of at least 1.5 cm. ( 5/8 inch), and a bottom margin of at least 1.0 cm. (3/8 inch);

05/07/2001 AGDITON 00000044 09740711

355.00 DP  
65.00 DP  
40.00 DP

01 FC:201  
02 FC:205  
03 FC:202

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*A copy of this notice MUST be returned with the reply.*

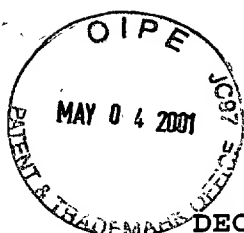
*Sehee*

Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE

006127-1404260



**DECLARATION  
FOR UTILITY OR DESIGN  
PATENT APPLICATION**

☐ Declaration Submitted With Initial Filing  
☒ Declaration Submitted After Initial Filing

) Attorney Docket No.: 69570  
)  
) First Named Inventor: James W. Bacus  
)  
)  
) Application Number: 09/740,711  
) Filing Date: December 19, 2000  
) Group Art Unit: 2621  
) Examiner Name:

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

**METHOD AND APPARATUS FOR ANALYZING A MICROARRAY**  
(Title of Invention)

the specification of which:

( ) is attached hereto, or

(X) was filed by an authorized person on my behalf on 12/19/00 (Date)  
as United States Application Number 09/740,711 or PCT  
International Application Number \_\_\_\_\_, and was  
amended on \_\_\_\_\_ (if applicable).  
(Date)

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment specifically referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations, §1.56.

I hereby claim foreign priority benefits under Title 35, United States Code, §119(a)-(d) or §365(b) of any foreign application(s) for patent or inventor's certificate, or §365(a) of any PCT international application which designated at least one country other than the United States of America, listed below, and I have also identified below, by checking the box, any foreign application for patent or inventor's certificate, or any PCT international application, on this invention filed by me or my legal representatives or assigns and having a filing date before that of the application on which priority is claimed:

Prior Foreign Application Number(s)	Country	Foreign Filing Date	Priority Not Claimed	Certified Copy Attached	
				Yes	No
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

☐ Additional foreign application numbers are listed on a supplemental priority data sheet attached hereto.

I hereby claim the benefit under Title 35, United States Code, §119(e) of any United States provisional application(s) listed below:

Provisional Application Number(s)	Provisional Application Filing Date

☐ Additional provisional application numbers are listed on a supplemental priority data sheet attached hereto.

I hereby claim the benefit under Title 35, United States Code, §120, of any prior United States application(s), or under §365(c) of any PCT international application(s) designating the United States of America, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT international application(s) in the manner provided by the first paragraph of Title 35, United States Code, §112, I acknowledge the duty to disclose all information known by me to be material to patentability as defined in Title 37, Code of Federal Regulations, §1.56, which became available between the filing date of the prior application(s) and the national or PCT international filing date of this application:

Prior U.S. Application Number	Prior PCT International Application Number	Filing Date of U.S. or PCT International Application	Patent Number (if applicable)

☐ Additional U.S. or PCT international application numbers are listed on a supplemental priority data sheet attached hereto.

As a named inventor, I hereby appoint the practitioners associated with Customer Number 22242, with full power of substitution and revocation, to prosecute this application and to transact all business in the United States Patent and Trademark Office connected therewith, and request that all correspondence and telephone calls in respect to this application be

directed to FITCH, EVEN, TABIN & FLANNERY, Suite 1600, 120 South LaSalle Street, Chicago, Illinois 60603-3406, Telephone No. (312) 577-7000, Facsimile No. (312) 577-7007, CUSTOMER NUMBER 22242.



I hereby declare that all statements made herein of my own knowledge are true, and that all statements made herein on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity or enforceability of the application or any patent issued thereon.

Full name of sole or one joint inventor:

James W. Bacus

(Given names first, with Family name last)

Inventor's signature:

*James W. Bacus*  
4-24-01

Date:

Residence:

Oakbrook, IL 60521

(City and State for U.S. Residents; City and Country for others)

Post Office Address:

20 Natoma Drive

Oakbrook, IL 60521

Citizenship:

U.S.A.

Full name of second joint inventor:

James V. Bacus

(Given names first, with Family name last)

Inventor's signature:

*James V. Bacus*  
4/24/01

Date:

Residence:

Downers Grove, IL 60515

(City and State for U.S. Residents; City and Country for others)

Post Office Address:

4324 Stonewall

Downers Grove, IL 60515

Citizenship:

U.S.A.

#231707



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s) or Patentee(s): James W. Bacus, et al.  
Application No. or Patent No.: 09/740,711  
Filed or Issued: December 19, 2000  
For: METHOD AND APPARATUS FOR PROCESSING AN  
IMAGE OF A TISSUE SAMPLE MICROARRAY  
Group Art Unit: 2621  
Examiner:

**VERIFIED STATEMENT (DECLARATION) CLAIMING  
SMALL ENTITY STATUS (37 C.F.R. §§1.9(f)  
and 1.27(c)) - SMALL BUSINESS CONCERN**

I hereby declare that I am:

- ☐ the owner of the small business concern identified below:
- ☐ an official of the small business concern empowered to act on behalf of the concern identified below:

NAME OF CONCERN Bacus Research Laboratories, Inc.  
ADDRESS OF CONCERN 410 Eisenhower Lane North  
Lombard, Illinois 60148

I hereby declare that the above-identified small business concern qualifies as a small business concern as defined in 37 C.F.R. §1.9(d) and in 13 C.F.R. Part 121 to be eligible for reduced patent fees under Section 41(a) and (b) of Title 35, United States Code, in that the number of employees of the concern, including those of its affiliates, does not exceed 500 persons, and that the concern has not assigned, granted, conveyed or licensed (and is under no obligation to do so) any rights in the invention to any person who made it and could not be classified as an independent inventor, or to any concern which would not qualify as a non-profit organization or a small business concern under 13 C.F.R. §121.802. For purposes of this statement, (1) the number of employees of the business concern is the average over the previous fiscal year of the concern of the persons employed on a full-time, part-time or temporary basis during each of the pay periods of the fiscal year, and (2) concerns are affiliates of each other when either, directly or indirectly, one concern controls or has the power to control the other, or a third party or parties controls or has the power to control both.

I hereby declare that rights under contract or law have been conveyed to and remain with the small business concern identified above with regard to the invention, entitled METHOD AND APPARATUS FOR PROCESSING AN IMAGE OF A TISSUE SAMPLE MICROARRAY by inventor(s) JAMES W. BACUS and JAMES V. BACUS described in:

- ☐ the specification filed herewith.
- ☒ application number 09/740,711, filed December 19, 2000.
- ☐ Patent No. \_\_\_\_\_, issued \_\_\_\_\_

If the rights held by the above-identified small business concern are not



exclusive, each individual, concern or organization having rights to the invention is listed below\* and no rights to the invention are held by any person, other than the inventor, who could not qualify as an independent inventor under 37 C.F.R. §1.9(c) if that person made the invention, or by any concern which would not qualify as a small business concern under 37 C.F.R. §1.9(d) or a nonprofit organization under 37 C.F.R. §1.9(e).

\*NOTE: Separate verified statements are required from each named person, concern or organization having rights to the invention averring to their status as small entities. (37 C.F.R. §1.27)

Full Name \_\_\_\_\_  
 Address \_\_\_\_\_  
☐ Individual ☐ Small Business Concern ☐ Nonprofit Organization

Full Name \_\_\_\_\_  
 Address \_\_\_\_\_  
☐ Individual ☐ Small Business Concern ☐ Nonprofit Organization

Full Name \_\_\_\_\_  
 Address \_\_\_\_\_  
☐ Individual ☐ Small Business Concern ☐ Nonprofit Organization

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate (37 C.F.R. §1.28(b)).

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

NAME OF PERSON SIGNING	<u>James W. Bacus</u>
TITLE OF PERSON IF OTHER THAN OWNER	_____
ADDRESS OF PERSON SIGNING	<u>410 Eisenhower Lane North</u>
	<u>Lombard, Illinois 60148</u>
SIGNATURE	<u><i>J. W. Bacus</i></u>
DATE	<u>4/24/01</u>